

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNION PACIFIC RAILROAD COMPANY,)	
)	
Plaintiff,)	8:11CV230
)	
vs.)	ORDER
)	
CRUM & FORSTER, d/b/a UNITED)	
STATES FIRE INSURANCE COMPANY,)	
)	
Defendant.)	

This matter is before the court *sua sponte*, and pursuant to [NECivR 41.2](#), which states in pertinent part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.” The plaintiff filed the instant action on June 27, 2011. **See** [Filing No. 1](#). On July 26, 2011, the court granted the defendant an extension of time to answer, until September 1, 2011. **See** Filing No. 13 - Text Entry. On August 22, 2011, the court directed the parties to file a joint planning conference report by September 15, 2011. **See** [Filing No. 14](#). Thereafter, the defendant filed a joint stipulation seeking additional time to answer, until October 18, 2011. **See** [Filing No. 15](#). The court granted the extension. **See** Filing No. 16 - Text Entry. At that time, the court also extended the planning conference report deadline to October 18, 2011. **Id.** On September 2, 2011, the court entered a notice reminding the defendant of the obligation to file a corporate disclosure statement pursuant to [Fed. R. Civ. P. 7.1](#). **See** Filing No. 17 - Text Entry. No other progress has taken place in this matter. It remains the plaintiff’s duty to go forward in prosecuting the case by, for example, filing a motion for clerk’s entry of default pursuant to [Fed. R. Civ. P. 55](#) and [NECivR 55.1\(a\)](#), as appropriate. Upon consideration,

IT IS ORDERED:

The plaintiff has until the close of business **on November 9, 2011**, to file a motion for clerk's entry of default or show cause why this case should not be dismissed for failure to prosecute.

Dated this 31st day of October, 2011.

BY THE COURT:
s/ Thomas D. Thalken
United States Magistrate Judge